

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

2015 MAR 30 A 8:38

CLERK US DISTRICT COURT  
ALEXANDRIA, VIRGINIA

JOSEPH W. CRAVER, III

Plaintiff,

v.

LEIDOS HOLDINGS, INC., *et al.*,

Defendants.

Civil Action No.

1:15cv421  
GBL/MSN

**DECLARATION OF JASON C. SCHWARTZ**

I, Jason C. Schwartz, hereby declare under penalty of perjury pursuant to 28 U.S. Code § 1746 that the following is true and correct:

1. I am an attorney licensed to practice law in the Commonwealth of Virginia, the State of Maryland, and the District of Columbia.

2. I am a partner in the law firm of Gibson, Dunn & Crutcher LLP. My firm represents Defendants Leidos Holdings, Inc., John P. Jumper, David G. Fubini, John J. Hamre, Miriam E. John, Anita K. Jones, Harry M.J. Kraemer, Jr., Lawrence C. Nussdorf, Robert S. Shapard, and Noel Brown Williams ("Defendants") in the above-styled litigation. I make this declaration in support of Defendants' Notice of Removal. The following facts are within my personal knowledge, and if called as a witness, I could and would competently testify to these facts.

3. Attached as **Exhibit A** is a true and correct copy of the Complaint in *Joseph W. Craver, III v. Leidos Holdings, Inc. and John P. Jumper*, CL 2014-632, filed on May 8, 2014, in the Circuit Court of the Commonwealth of Virginia, County of Fairfax ("State Court Action").

4. Attached as **Exhibit B** is a true and correct copy of the Amended Complaint in the State Court Action.

5. Attached as **Exhibit C** is a true and correct copy of the Court's March 20, 2015 Order in the State Court Action.

6. Attached as **Exhibit D** is a true and correct copy of the docket sheet in the State Court Action.

7. Attached as **Exhibit D-1** is a true and correct copy of the Complaint, filed on May 8, 2014 in the State Court Action.

8. Attached as **Exhibit D-2** is a true and correct copy of the Summons, Complaint, and Discovery Requests served to Leidos Holdings, Inc. on May 19, 2014 in the State Court Action.

9. Attached as **Exhibit D-3** is a true and correct copy of the Summons, Complaint, and Discovery Requests served to John P. Jumper on May 21, 2014 in the State Court Action.

10. Attached as **Exhibit D-4** is a true and correct copy of the Summons, Complaint, Discovery Requests, Notice of Pending Proceedings, and Certificate of Mailing Pursuant to Va. Code. § 8.01-296 mailed to John P. Jumper on May 22, 2014 in the State Court Action.

11. Attached as **Exhibit D-5** is a true and correct copy of Defendant's Motion for Extension of Time to Respond to Plaintiff's First Discovery Requests, with accompanying papers, filed on May 23, 2014 in the State Court Action.

12. Attached as **Exhibit D-6** is a true and correct copy Plaintiff's Motion for Protective Order, with accompanying papers, filed on May 30, 2014 in the State Court Action.

13. Attached as **Exhibit D-7** is a true and correct copy of Plaintiff's Opposition to Defendants' Motion for Extension of Time to Respond to Plaintiff's First Discovery Requests, with accompanying papers, filed on May 30, 2014 in the State Court Action.

14. Attached as **Exhibit D-8** is a true and correct copy of Plaintiff's Notice of Deposition of David G. Fubini, filed on May 30, 2014 in the State Court Action.

15. Attached as **Exhibit D-9** is a true and correct copy of Plaintiff's Notice of Deposition of John Hamre, filed on May 30, 2014 in the State Court Action.

16. Attached as **Exhibit D-10** is a true and correct copy of Plaintiff's Notice of Deposition of Miriam E. John, filed on May 30, 2014 in the State Court Action.

17. Attached as **Exhibit D-11** is a true and correct copy of Plaintiff's Notice of Deposition of Anita K. Jones, filed on May 30, 2014 in the State Court Action.

18. Attached as **Exhibit D-12** is a true and correct copy of Plaintiff's Notice of Deposition of John P. Jumper, filed on May 30, 2014 in the State Court Action.

19. Attached as **Exhibit D-13** is a true and correct copy of Plaintiff's Notice of Deposition of Harry M.J. Kraemer, Jr., filed on May 30, 2014 in the State Court Action.

20. Attached as **Exhibit D-14** is a true and correct copy of Plaintiff's Notice of Deposition of Lawrence C. Nussdorf, filed on May 30, 2014 in the State Court Action.

21. Attached as **Exhibit D-15** is a true and correct copy of Plaintiff's Notice of Deposition of Robert S. Shapard, filed on May 30, 2014 in the State Court Action.

22. Attached as **Exhibit D-15(A)** is a true and correct copy of Plaintiff's Notice of Deposition of Noel Williams, filed on May 30, 2014 in the State Court Action.

23. Attached as **Exhibit D-16** is a true and correct copy of the Court's June 2, 2014 Calendar Control Order on Demurrer Briefing Procedure in the State Court Action.



24. Attached as **Exhibit D-17** is a true and correct copy of Defendants' Demurrer, with accompanying papers, filed on June 6, 2014 in the State Court Action.

25. Attached as **Exhibit D-18** is a true and correct copy of Defendants' Motion for Admission *Pro Hac Vice* of Greta B. Williams, with accompanying papers, filed on June 6, 2014 in the State Court Action.

26. Attached as **Exhibit D-19** is a true and correct copy of Plaintiff's Motion to Compel Depositions and for a Protective Order Governing the Future Conduct of Depositions, with accompanying papers, filed on June 6, 2014 in the State Court Action.

27. Attached as **Exhibit D-20** is a true and correct copy of the Court's June 6, 2014 Order on Defendants' Motion for Extension of Time to Respond to Plaintiff's First Discovery Requests in the State Court Action.

28. Attached as **Exhibit D-21** is a true and correct copy of the Court's June 6, 2014 Order on Removal of Hearing on Protective Order in the State Court Action.

29. Attached as **Exhibit D-22** is a true and correct copy of the Court's June 6, 2014 Stipulated Protective Order for the Protection of Confidential Information in the State Court Action.

30. Attached as **Exhibit D-23** is a true and correct copy of Plaintiff's Amended Notice of Deposition of John P. Jumper, filed on June 9, 2014 in the State Court Action.

31. Attached as **Exhibit D-24** is a true and correct copy of Plaintiff's Amended Notice of Deposition of Harry M.J. Kraemer, Jr., filed on June 9, 2014 in the State Court Action.

32. Attached as **Exhibit D-25** is a true and correct copy of Defendants' Memorandum in Opposition to Plaintiff's Motion to Compel Depositions and for a Protective Order, with accompanying papers, filed on June 13, 2014 in the State Court Action.

33. Attached as **Exhibit D-26** is a true and correct copy of Plaintiff's Notice of Video Conference Deposition of David G. Fubini, filed on June 19, 2014 in the State Court Action.

34. Attached as **Exhibit D-27** is a true and correct copy of Plaintiff's Amended Notice of Deposition of John J. Hamre, filed on June 19, 2014 in the State Court Action.

35. Attached as **Exhibit D-28** is a true and correct copy of Plaintiff's Amended Notice of Deposition of Miriam E. John, filed on June 19, 2014 in the State Court Action.

36. Attached as **Exhibit D-29** is a true and correct copy of Plaintiff's Amended Notice of Deposition of Anita K. Jones, filed on June 19, 2014 in the State Court Action.

37. Attached as **Exhibit D-30** is a true and correct copy of Plaintiff's Amended Notice of Deposition of Lawrence C. Nussdorf, filed on June 19, 2014 in the State Court Action.

38. Attached as **Exhibit D-31** is a true and correct copy of Plaintiff's Amended Notice of Deposition of Robert S. Shapard, filed on June 19, 2014 in the State Court Action.

39. Attached as **Exhibit D-32** is a true and correct copy of Plaintiff's Amended Notice of Deposition of Noel Brown Williams, filed on June 19, 2014 in the State Court Action.

40. Attached as **Exhibit D-33** is a true and correct copy of Plaintiff's Opposition to Defendants' Demurrer, filed on June 20, 2014 in the State Court Action.

41. Attached as **Exhibit D-34** is a true and correct copy of Plaintiff's Notice of Deposition of Thomas Frist, filed on June 20, 2014 in the State Court Action.

42. Attached as **Exhibit D-35** is a true and correct copy of the Court's June 20, 2014 Order on Plaintiff's Motion to Compel Depositions in the State Court Action.

43. Attached as **Exhibit D-36** is a true and correct copy of the Court's June 24, 2014 Scheduling Order in the State Court Action.

44. Attached as **Exhibit D-37** is a true and correct copy of Defendants' Reply Memorandum in Support of Defendants' Demurrer, filed on June 27, 2014 in the State Court Action.

45. Attached as **Exhibit D-38** is a true and correct copy of Plaintiff's Second Amended Notice of Deposition of David G. Fubini, filed on July 10, 2014 in the State Court Action.

46. Attached as **Exhibit D-39** is a true and correct copy of Plaintiff's Second Amended Notice of Deposition of John J. Hamre, filed on July 10, 2014 in the State Court Action.

47. Attached as **Exhibit D-40** is a true and correct copy of Plaintiff's Second Amended Notice of Deposition of Miriam E. John, filed on July 10, 2014 in the State Court Action.

48. Attached as **Exhibit D-41** is a true and correct copy of Plaintiff's Second Amended Notice of Deposition of Anita K. Jones, filed on July 10, 2014 in the State Court Action.

49. Attached as **Exhibit D-42** is a true and correct copy of Plaintiff's Second Amended Notice of Deposition of Lawrence C. Nussdorf, filed on July 10, 2014 in the State Court Action.

50. Attached as **Exhibit D-43** is a true and correct copy of Plaintiff's Second Amended Notice of Deposition of Noel Brown Williams, filed on July 10, 2014 in the State Court Action.

51. Attached as **Exhibit D-44** is a true and correct copy of the Court's July 11, 2014 Order on Defendants' Demurrer in the State Court Action.



52. Attached as **Exhibit D-45** is a true and correct copy of the Court's July 11, 2014 Order on Defendants' Motion for Admission *Pro Hac Vice* of Greta B. Williams in the State Court Action.

53. Attached as **Exhibit D-46** is a true and correct copy of the Affidavit of Service for Subpoena *Duces Tecum* to Dr. Ruben Cintron, filed on July 14, 2014 in the State Court Action.

54. Attached as **Exhibit D-47** is a true and correct copy of the Affidavit of Service for Subpoena *Duces Tecum* to Dr. Thomas J. Klein, filed on July 14, 2014 in the State Court Action.

55. Attached as **Exhibit D-48** is a true and correct copy of the Affidavit of Service for Subpoena *Duces Tecum* to Dr. Fernando Pagan, filed on July 14, 2014 in the State Court Action.

56. Attached as **Exhibit D-49** is a true and correct copy of the Affidavit of Service for Subpoena *Duces Tecum* to Dr. Bruce J. Davidson, filed on July 16, 2014 in the State Court Action.

57. Attached as **Exhibit D-50** is a true and correct copy of Defendants' Motion to Reconsider Order Overruling Demurrer in Part, with accompanying papers, filed on July 24, 2014 in the State Court Action.

58. Attached as **Exhibit D-51** is a true and correct copy of Plaintiff's Motion to Quash Defendants' Subpoenas *Duces Tecum* to Third Party Dr. Bruce J. Davidson, with accompanying papers, filed on July 25, 2014 in the State Court Action.

59. Attached as **Exhibit D-52** is a true and correct copy of Plaintiff's Motion to Quash Defendants' Subpoenas *Duces Tecum* to Third Parties Dr. Ruben Cintron, Dr. Thomas Klein, and Dr. Fernando Pagan, with accompanying papers, filed on July 25, 2014 in the State Court Action.

60. Attached as **Exhibit D-53** is a true and correct copy of the Court's July 28, 2014 Order on Defendants' Motion to Reconsider in the State Court Action.

61. Attached as **Exhibit D-54** is a true and correct copy of Defendants' Motion for Admission *Pro Hac Vice* of Martin A. Hewett, with accompanying papers, filed on July 30, 2014 in the State Court Action.

62. Attached as **Exhibit D-55** is a true and correct copy of Defendants' Answer, filed on August 1, 2014 in the State Court Action.

63. Attached as **Exhibit D-56** is a true and correct copy of the Court's August 6, 2014 Order on Defendants' Motion for Admission *Pro Hac Vice* of Martin A. Hewett in the State Court Action.

64. Attached as **Exhibit D-57** is a true and correct copy of Plaintiff's Amended Notice of Deposition for Thomas Frist, filed on August 18, 2014 in the State Court Action.

65. Attached as **Exhibit D-58** is a true and correct copy of Plaintiff's Motion for Admission *Pro Hac Vice* of Brandon J. Newlands, with accompanying papers, filed on September 9, 2014 in the State Court Action.

66. Attached as **Exhibit D-59** is a true and correct copy of the Court's October 8, 2014 Order on Plaintiff's Motion for Admission *Pro Hac Vice* of Brandon J. Newlands in the State Court Action.

67. Attached as **Exhibit D-60** is a true and correct copy of Defendants' Motion to Compel and for Reasonable Costs, with accompanying papers, filed on October 10, 2014 in the State Court Action.



68. Attached as **Exhibit D-61** is a true and correct copy of Plaintiff's Motion to Overrule Defendants' Confidential Deposition Designations, with accompanying papers, filed on October 10, 2014 in the State Court Action.

69. Attached as **Exhibit D-62** is a true and correct copy of the Court's October 16, 2014 Calendar Control Order on Defendants' Request to Have Motion to Compel Heard in the State Court Action.

70. Attached as **Exhibit D-63** is a true and correct copy of Defendants' Memorandum in Opposition to Plaintiff's Motion to Overrule Defendants' Confidential Deposition Designations, with accompanying papers, filed on October 17, 2014 in the State Court Action.

71. Attached as **Exhibit D-64** is a true and correct copy of Plaintiff's Opposition to Defendants' Motion to Compel and for Reasonable Costs, with accompanying papers, filed on October 17, 2014 in the State Court Action.

72. Attached as **Exhibit D-65** is a true and correct copy of Plaintiff's Motion to Compel Discovery, with accompanying papers, filed on October 17, 2014 in the State Court Action.

73. Attached as **Exhibit D-66** is a true and correct copy of Plaintiff's Motion to Overrule Defendants' Confidential Deposition Designations, with accompanying papers, filed on October 17, 2014 in the State Court Action.

74. Attached as **Exhibit D-67** is a true and correct copy of Defendants' Memorandum in Opposition to Plaintiff's Motion to Overrule Defendants' Confidential Deposition Designations, with accompanying papers, filed on October 24, 2014 in the State Court Action.

75. Attached as **Exhibit D-68** is a true and correct copy of the Court's October 24, 2014 Order on Defendants' Motion to Compel and for Reasonable Costs in the State Court Action.

76. Attached as **Exhibit D-69** is a true and correct copy of Defendants' Motion for an Order Requiring Plaintiff to Submit to a Mental Examination, with accompanying papers, filed on October 27, 2014 in the State Court Action.

77. Attached as **Exhibit D-70** is a true and correct copy of the Affidavit of Service for Subpoena *Duces Tecum* Krystal Barclay, filed on October 29, 2014 in the State Court Action.

78. Attached as **Exhibit D-71** is a true and correct copy of the Affidavit of Service for Subpoena *Duces Tecum* William L. Deckelman, filed on October 29, 2014 in the State Court Action.

79. Attached as **Exhibit D-72** is a true and correct copy of the Affidavit of Service for Subpoena *Duces Tecum* Christiane Lourenco, filed on October 29, 2014 in the State Court Action.

80. Attached as **Exhibit D-73** is a true and correct copy of Defendants' Supplemental Exhibits in Support of Defendants' Opposition to Plaintiff's Motion to Overrule Defendants' Confidential Deposition Designations, dated October 30, 2014 in the State Court Action.

81. Attached as **Exhibit D-74** is a true and correct copy of the Court's October 31, 2014 Order on Plaintiff's Motion to Overrule Defendants' Confidential Deposition Designations in the State Court Action.

82. Attached as **Exhibit D-75** is a true and correct copy of Defendants' Memorandum in Opposition to Plaintiff's Motion to Compel Discovery, with accompanying papers, filed on October 31, 2014 in the State Court Action.

83. Attached as **Exhibit D-76** is a true and correct copy of Plaintiff's Opposition to Defendants' Motion for an Order Requiring Plaintiff to Submit to a Mental Examination, with accompanying papers, filed on November 7, 2014 in the State Court Action.

84. Attached as **Exhibit D-77** is a true and correct copy of the Court's November 7, 2014 Order on Defendants' Motion to Compel Discovery in the State Court Action.

85. Attached as **Exhibit D-78** is a true and correct copy of Defendants' Motion for a Protective Order Quashing Deposition Notices of Defendants' In-House Counsel, with accompanying papers, filed on November 14, 2014 in the State Court Action.

86. Attached as **Exhibit D-79** is a true and correct copy of Defendants' Exhibits A-D to Declaration of Mark W. Sopp in Further Support of Defendants' Memorandum in Opposition to Plaintiff's Motion to Overrule Defendants' Confidential Deposition Designations, filed on November 14, 2014 in the State Court Action.

87. Attached as **Exhibit D-80** is a true and correct copy of the Court's November 14, 2014 Order for Rule 4:10 Mental Examination of Plaintiff in the State Court Action.

88. Attached as **Exhibit D-81** is a true and correct copy of the Court's November 18, 2014 Order on Plaintiff's Motion to Overrule Defendants' Confidential Deposition Designations in the State Court Action.

89. Attached as **Exhibit D-82** is a true and correct copy of Plaintiff's Opposition to Defendants' Motion for a Protective Order Quashing Deposition Notices of Defendants' In-House Counsel, with accompanying papers, filed on December 1, 2014 in the State Court Action.

90. Attached as **Exhibit D-83** is a true and correct copy of the Court's December 5, 2014 Order on Defendants' Motion for a Protective Order Quashing Deposition Notices of Defendants' In-House Counsel in the State Court Action.



91. Attached as **Exhibit D-84** is a true and correct copy of Plaintiff's Designation of Expert Witnesses, filed on December 9, 2014 in the State Court Action.

92. Attached as **Exhibit D-85** is a true and correct copy of Defendants' Motion for a Protective Order to Prevent the Deposition of Roger A. Krone, with accompanying papers, filed on December 19, 2014 in the State Court Action.

93. Attached as **Exhibit D-86** is a true and correct copy of Defendants' Motion for Admission *Pro Hac Vice* of Jason J. Mendro, with accompanying papers, filed on December 23, 2014 in the State Court Action.

94. Attached as **Exhibit D-87** is a true and correct copy of the Court's December 30, 2014 on Defendants' Motion for Admission *Pro Hac Vice* of Jason J. Mendro in the State Court Action.

95. Attached as **Exhibit D-88** is a true and correct copy of Plaintiff's Opposition to Defendants' Motion for a Protective Order to Prevent the Deposition of Roger A. Krone, with accompanying papers, filed on December 31, 2014 in the State Court Action.

96. Attached as **Exhibit D-89** is a true and correct copy of Defendants' Objections to Plaintiff's Designation of Expert Witnesses, filed on January 8, 2015 in the State Court Action.

97. Attached as **Exhibit D-90** is a true and correct copy of the Mental Health Examination Report of Susan B. Trachman, filed on January 8, 2015 in the State Court Action.

98. Attached as **Exhibit D-91** is a true and correct copy of the Court's January 9, 2014 Order on Defendants' Motion for Protective Order to Prevent the Deposition of Roger A. Krone in the State Court Action.



99. Attached as **Exhibit D-92** is a true and correct copy of the Court's January 15, 2015 Calendar Control Order on Briefing Procedures for Defendants' Motion for Summary Judgment and Defendants' and Plaintiff's Motions In Limine in the State Court Action.

100. Attached as **Exhibit D-93** is a true and correct copy of the Court's January 15, 2014 Calendar Control Order on Briefing Procedures for Defendants' Motion to Quash Deposition Notices in the State Court Action.

101. Attached as **Exhibit D-94** is a true and correct copy of Defendants' Motion for Summary Judgment, with accompanying papers, filed on January 23, 2015 in the State Court Action.

102. Attached as **Exhibit D-95** is a true and correct copy of Defendants' Motion for a Protective Order Quashing Plaintiff's Second Deposition Notice for Leidos' General Counsel, with accompanying papers, filed on January 23, 2015 in the State Court Action.

103. Attached as **Exhibit D-96** is a true and correct copy of Plaintiff's Disclosure of Rebuttal Expert Witnesses filed on January 23, 2015 in the State Court Action.

104. Attached as **Exhibit D-97** is a true and correct copy of Plaintiff's Supplemental Expert Designations and Disclosures of Rebuttal Expert Witnesses, filed on January 23, 2015 in the State Court Action.

105. Attached as **Exhibit D-97(A)** is a true and correct copy of the Addendum to Plaintiff's Disclosure of Rebuttal Expert Witnesses, filed on January 26, 2015 in the State Court Action.

106. Attached as **Exhibit D-97(B)** is a true and correct copy of the Addendum to Plaintiff's Supplemental Expert Designations and Disclosures of Rebuttal Expert Witnesses, filed on January 26, 2015 in the State Court Action.

107. Attached as **Exhibit D-98** is a true and correct copy of Plaintiff's Motion to Compel Discovery Responses, with accompanying papers, filed on January 28, 2015 in the State Court Action.

108. Attached as **Exhibit D-99** is a true and correct copy of the Court's January 30, 2015 Order Regarding Deposition Designations for Trial in the State Court Action.

109. Attached as **Exhibit D-100** is a true and correct copy of Defendants' Motion for a Protective Order Quashing Plaintiff's Rule 4:5(b)(6) Deposition Notice, with accompanying papers, filed on February 2, 2015 in the State Court Action.

110. Attached as **Exhibit D-101** is a true and correct copy of Plaintiff's Motion for a Protective Order Quashing Deposition Notices of Rona Wexler, James Tompkins, Neil Demchick, Dr. Ruben Cintron, and Dr. Ryan Shugarman, with accompanying papers, filed on February 3, 2015 in the State Court Action.

111. Attached as **Exhibit D-102** is a true and correct copy of Plaintiff's Motion for a Protective Order Quashing Deposition Notice of Joseph W. Craver, II, with accompanying papers, filed on February 3, 2015 in the State Court Action.

112. Attached as **Exhibit D-103** is a true and correct copy of Defendants Leidos Holdings, Inc. and John P. Jumper's Motion to Compel the Depositions of Plaintiff's Expert Witnesses, or in the Alternative, to Exclude the Opinions of Plaintiff's Expert Witnesses at Trial, with accompanying papers, filed on February 5, 2015 in the State Court Action.

113. Attached as **Exhibit D-104** is a true and correct copy of Defendants' Amended Motion to Compel the Depositions of Plaintiff's Expert Witnesses, or in the Alternative, to Exclude the Opinions of Plaintiff's Expert Witnesses at Trial, with accompanying papers, filed on February 6, 2015 in the State Court Action.

114. Attached as **Exhibit D-105** is a true and correct copy of Defendants' Motion to Compel Discovery Responses, with accompanying papers, filed on February 6, 2015 in the State Court Action.

115. Attached as **Exhibit D-106** is a true and correct copy of Plaintiff's Amended Motion for a Protective Order Quashing Deposition Notices of Rona Wexler, James Tompkins, Neil Demchick, Dr. Ruben Cintron, and Dr. Ryan Shugarman, with accompanying papers, filed on February 6, 2015 in the State Court Action.

116. Attached as **Exhibit D-107** is a true and correct copy of Plaintiff's Opposition to Defendants' Motion for a Protective Order Quashing Deposition Notice, with accompanying papers, filed on February 6, 2015 in the State Court Action.

117. Attached as **Exhibit D-108** is a true and correct copy of Plaintiff's Opposition to Defendants' Motion for Summary Judgment, with accompanying papers, filed on February 6, 2015 in the State Court Action.

118. Attached as **Exhibit D-109** is a true and correct copy of the Court's February 6, 2015 Calendar Control Order Setting Hearing for Discovery Matters in the State Court Action.

119. Attached as **Exhibit D-110** is a true and correct copy of Defendants' Reply in Support of Defendants' Motion for Summary Judgment, filed on February 13, 2015 in the State Court Action.

120. Attached as **Exhibit D-110(A)** is a true and correct copy of Defendants' Memorandum in Opposition to Plaintiff's Amended Motion for a Protective Order Quashing Deposition Notices of Rona Wexler, James Tompkins, Neil Demchick, Dr. Ruben Cintron, and Dr. Ryan Shugarman, filed on February 13, 2015 in the State Court Action.



121. Attached as **Exhibit D-111** is a true and correct copy of Plaintiff's Opposition to Defendants' Motion to Compel Expert Witnesses or Exclude Their Opinions from Trial and Cross-Motion to Compel Corporate Designee Deposition or, in the Alternative, to Exclude any Evidence Related to the Topics Included in the Corporate Designee Notice of Deposition from Being Introduced at Trial, Including Through Experts, with accompanying papers, filed on February 13, 2015 in the State Court Action.

122. Attached as **Exhibit D-112** is a true and correct copy of the Court's February 13, 2015 Order on Defendants' Motion for Protective Order Quashing Plaintiff's Second Deposition Notice for In-House Counsel in the State Court Action.

123. Attached as **Exhibit D-113** is a true and correct copy of Defendants' Opposition to Plaintiff's "Cross-Motion to Compel Corporate Designee Deposition or, in the Alternative, to Exclude and Evidence Related to the Topics Included in the Corporate Designee Notice of Deposition from Being Introduced at Trial, Including Through Experts," with accompanying papers, filed on February 18, 2015 in the State Court Action.

124. Attached as **Exhibit D-114** is a true and correct copy of Plaintiff's Opposition to Defendants' Motion to Compel Discovery Responses, with accompanying papers, filed on February 18, 2015 in the State Court Action.

125. Attached as **Exhibit D-115** is a true and correct copy of the Court's February 19, 2015 Memorandum Opinion and Order in the State Court Action.

126. Attached as **Exhibit D-116** is a true and correct copy of Defendants' Memorandum in Opposition to Plaintiff's Motion to Compel Discovery Responses, with accompanying papers, filed on February 20, 2015 in the State Court Action.



127. Attached as **Exhibit D-117** is a true and correct copy of Defendants' Exhibit List, filed on February 20, 2015 in the State Court Action.

128. Attached as **Exhibit D-118** is a true and correct copy of Defendants' Witness List and Deposition Designations, filed on February 20, 2015 in the State Court Action.

129. Attached as **Exhibit D-119** is a true and correct copy of Plaintiff's Exhibit List, filed on February 20, 2015 in the State Court Action.

130. Attached as **Exhibit D-120** is a true and correct copy of Plaintiff's Witness List, filed on February 20, 2015 in the State Court Action.

131. Attached as **Exhibit D-121** is a true and correct copy of Plaintiff's Designations of Deposition Testimony for Trial, filed on February 20, 2015 in the State Court Action.

132. Attached as **Exhibit D-122** is a true and correct copy of Defendants' Omnibus Motion *In Limine*, with accompanying papers, filed on February 23, 2015 in the State Court Action.

133. Attached as **Exhibit D-123** is a true and correct copy of Defendants' Amended Exhibit List, filed on February 23, 2015 in the State Court Action.

134. Attached as **Exhibit D-124** is a true and correct copy of Defendants' Motion for Admission *Pro Hac Vice* of Michael R. Huston, with accompanying papers, filed on February 23, 2015 in the State Court Action.

135. Attached as **Exhibit D-125** is a true and correct copy of Plaintiff's Motions *In Limine*, with accompanying papers, filed on February 23, 2015 in the State Court Action.

136. Attached as **Exhibit D-126** is a true and correct copy of Plaintiff's Motions *In Limine*, with accompanying papers, re-filed on February 24, 2015 in the State Court Action.

137. Attached as **Exhibit D-127** is a true and correct copy of the Court's February 23, 2015 Calendar Control Order on Trial Continuance in the State Court Action.

138. Attached as **Exhibit D-128** is a true and correct copy of the Court's February 23, 2015 Calendar Control Order on Parties' Request to Remove without Prejudice Motions *In Limine* in the State Court Action.

139. Attached as **Exhibit D-129** is a true and correct copy of the Court's February 23, 2015 Order on Defendants' Motion for Summary Judgment in the State Court Action.

140. Attached as **Exhibit D-130** is a true and correct copy of the Court's February 24, 2015 Consent Order in the State Court Action.

141. Attached as **Exhibit D-131** is a true and correct copy of the Court's February 27, 2015 Order on Plaintiff's Motion to Compel Discovery in the State Court Action.

142. Attached as **Exhibit D-132** is a true and correct copy of the Court's February 27, 2015 on Defendants' Motion for Admission *Pro Hac Vice* of Michael R. Huston in the State Court Action.

143. Attached as **Exhibit D-133** is a true and correct copy of Plaintiff's Supplemental Disclosure of Rebuttal Expert Witness Ruben Cintron, M.D., filed on March 6, 2015 in the State Court Action.

144. Attached as **Exhibit D-134** is a true and correct copy of Plaintiff's Motion for Leave to File Amended Complaint, with accompanying papers, filed on March 6, 2015 in the State Court Action.

145. Attached as **Exhibit D-135** is a true and correct copy of Plaintiff's Addendum to Plaintiff's Motion for Leave to File Amended Complaint, and the attached proposed Amended Complaint, filed on March 10, 2015 in the State Court Action.

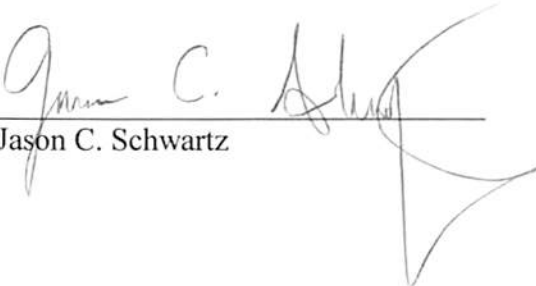
146. Attached as **Exhibit D-136** is a true and correct copy of Defendants' Response to Plaintiff's Motion for Leave to File Amended Complaint, with accompanying papers, filed on March 13, 2015 in the State Court Action.

147. Attached as **Exhibit D-137** is a true and correct copy of the Court's March 20, 2015 Order on Plaintiff's Motion for Leave to File Amended Complaint.

148. Attached as **Exhibit D-138** is a true and correct copy of Plaintiff's Motion to Compel Payment of Expert Deposition Fees, with accompanying papers, filed on March 27, 2015 in the State Court Action.

149. There have been no filings or proceedings in the State Court Action since the filing of Plaintiff's Motion to Compel Payment of Expert Deposition Fees on March 27, 2015.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 27th day of March, 2015, in Washington, D.C.

  
Jason C. Schwartz